

PTO Form 1930 (Rev 9/2007)

OMB No. 0651-0050 (Exp. 4/30/2009)

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77265733
LAW OFFICE ASSIGNED	LAW OFFICE 116
MARK SECTION (no change)	
ARGUMENT(S)	
<u>RESPONSE</u>	
Applicant submits the following amendments and remarks in response to the Office Action dated January 5, 2009 for U.S. Serial No. 77/265,733.	
<u>AMENDMENT</u>	
Please amend the application from the Principal Register to the Supplemental Register.	
<u>REMARKS</u>	
The Examining Attorney maintains that the mark is descriptive. Applicant respectfully disagrees with the Examining Attorney. Nevertheless, Applicant submits a copy of the Amendment to Allege Use filed on March 6, 2009 and amends the application to the Supplemental Register. A Notice of Appeal will be filed.	
As all outstanding issues have been resolved, Applicant respectfully requests that the application be approved for publication.	
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	http://tgate/PDF/RFR/2009/03/10/20090310102224560414-77265733-001_001/evi_6520722-101846004_.77265733_AAU.pdf
CONVERTED PDF FILE(S) (1 page)	\\TICRS\EXPORT6\IMAGEOUT6\772\657\77265733\xml4\RFR0002.JPG
DESCRIPTION OF EVIDENCE FILE	copy of Amendment to Allege Use

ADDITIONAL STATEMENTS SECTION	
SUPPLEMENTAL REGISTER	The applicant seeks registration of the mark on the Supplemental Register (i.e., a change of the words 'Principal Register' to 'Supplemental Register').
SIGNATURE SECTION	
DECLARATION SIGNATURE	The filing Attorney has elected not to submit the signed declaration, believing no supporting declaration is required under the <i>Trademark Rules of Practice</i> .
RESPONSE SIGNATURE	/Evan A. Raynes/
SIGNATORY'S NAME	Evan A. Raynes
SIGNATORY'S POSITION	Attorney of Record, DC Bar Member
DATE SIGNED	03/10/2009
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Tue Mar 10 10:22:24 EDT 2009
TEAS STAMP	USPTO/RFR-65.207.2.2-2009 0310102224560414-77265733 -430d518d52631bec514fb427 c35813f2cba-N/A-N/A-20090 310101846004514

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OMB No. 0651-0050 (Exp. 4/30/2009)

Request for Reconsideration after Final Action

To the Commissioner for Trademarks:

Application serial no. **77265733** has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

RESPONSE

Applicant submits the following amendments and remarks in response to the Office Action dated January 5, 2009 for U.S. Serial No. 77/265,733.

AMENDMENT

Please amend the application from the Principal Register to the Supplemental Register.

REMARKS

The Examining Attorney maintains that the mark is descriptive. Applicant respectfully disagrees with the Examining Attorney. Nevertheless, Applicant submits a copy of the Amendment to Allege Use filed on March 6, 2009 and amends the application to the Supplemental Register. A Notice of Appeal will be filed.

As all outstanding issues have been resolved, Applicant respectfully requests that the application be approved for publication.

EVIDENCE

Evidence in the nature of copy of Amendment to Allege Use has been attached.

Original PDF file:

http://tgate/PDF/RFR/2009/03/10/20090310102224560414-77265733-001_001/evi_6520722-101846004_77265733_AAU.pdf

Converted PDF file(s) (1 page)

Evidence-1

ADDITIONAL STATEMENTS**Supplemental Register**

The applicant seeks registration of the mark on the Supplemental Register (i.e., a change of the words 'Principal Register' to 'Supplemental Register').

SIGNATURE(S)**Declaration Signature**

I hereby elect to bypass the submission of a signed declaration, because I believe a declaration is not required by the rules of practice. I understand that the examining attorney could still, upon later review, require a signed declaration.

Request for Reconsideration Signature

Signature: /Evan A. Raynes/ Date: 03/10/2009

Signatory's Name: Evan A. Raynes

Signatory's Position: Attorney of Record, DC Bar Member

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 77265733

Internet Transmission Date: Tue Mar 10 10:22:24 EDT 2009

TEAS Stamp: USPTO/RFR-65.207.2.2-2009031010222456041

4-77265733-430d518d52631bec514fb427c3581

3f2cba-N/A-N/A-20090310101846004514

**Trademark/Service Mark Amendment to Allege Use
(15 U.S.C. Section 1051(c))**

Handwritten Signature

To the Commissioner for Trademarks:

MARK: HUA YAN
SERIAL NUMBER: 77265733

The applicant, Eu Yan Sang International Ltd, having an address of
269A South Bridge Road
Singapore, 058818
Singapore
is submitting the following allegation of use information:

For International Class 029:

Current identification: Edible bird's nests; edible bird's nests in dried and ready-to-drink bottled form

The mark is in use in commerce on or in connection with all goods or services listed in the application or Notice of Allowance or as subsequently modified for this specific class

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 06/00/2008, and first used in commerce at least as early as 06/00/2008, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) brochure.

Specimen-1 [SPN0-6520722-161230816_ _HUA_YAN_1_1.jpg]

Specimen-2 [SPN0-6520722-161230816_ _HUA_YAN_2_1.jpg]

Specimen-3 [SPN0-6520722-161230816_ _HUA_YAN_3_1.jpg]

The applicant is not filing a Request to Divide with this Allegation of Use form.

A fee payment in the amount of \$100 will be submitted with the form, representing payment for the allegation of use for 1 class.

Declaration

The attached signature image file:

Signatory File

Signatory's Name: Eu Yee Ming Richard

Signatory's Position: Group CEO